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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,624	09/20/1999	DANIEL R. MONROE	239/217	3617

7590

02/25/2004

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EXAMINER

DAY, HERNG DER

ART UNIT

PAPER NUMBER

2128

DATE MAILED: 02/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/400,624

Applicant(s)

MONROE ET AL.

Examiner

Herng-der Day

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04 March 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 19.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Applicants' Amendment (paper # 18) to Office Action dated November 5, 2003 (paper # 16), mailed November 18, 2003, and received by PTO November 24, 2003.

1-1. Claims 1, 3, 5, and 6 have been amended; claims 1-19 are pending.

1-2. Claims 1-19 have been examined and rejected.

Drawings

2. The formal drawings filed March 4, 2003 (paper # 10) are objected to because the formal drawings have been amended without giving any reason or making any remark. For example:

2-1. In FIG. 5, the address "F000:F00F" of "COM R 512" should be "F000:F007".

2-2. In FIG. 8, (1) "DEBUG IN 848" should be "MSR IN 848"; (2) 844 and 852 are missing.

Applicants should carefully review all the drawings and correct all the informalities. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4-1. Claim 1 recites the limitation “to simulate said circuit switched call link”. It is vague about “to simulate” because the actual function is “to convert protocol”.

4-2. Claims 8 and 14 recite the limitation “simulating a circuit switched call link”. It is vague about “simulating” because the actual function is “converting protocol”.

4-3. Claims 11 and 17 recite the limitation “establishing a simulated circuit switched call link”. It is vague about “simulated” because the actual function is “protocol converted”.

4-4. Claim 11 recites the limitation “said user equipment” in lines 8-9 of the claim. It is vague and indefinite about the “said user equipment” because two “a user equipment” exist in lines 3 and 6 of the claim. For the purpose of claim examination, the Examiner will presume that “said user equipment” refers to “a user equipment” in line 6 of the claim.

4-5. Claims 12-13 are rejected as being dependent on the rejected claim 11.

Allowable Subject Matter

5. Claims 1-19 are deemed novel and non-obvious over the prior art of record, and would be allowed once the above rejections under 35 U.S.C. 112, second paragraph is overcome.

Applicants' Arguments

8. Applicants argue, in pages 8-10 of paper # 18, the amendment to specification is proper.

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Response to Arguments

9. Applicants' arguments have been fully considered and they are persuasive. Therefore, the original claim rejection under 35 U.S.C. 112, first paragraph, has been withdrawn.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Herng-der Day whose telephone number is (703) 305-5269. The examiner can normally be reached on 9:00 - 17:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin J Teska can be reached on (703) 305-9704. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Herng-der Day
February 23, 2004



**SAMUEL BRODA, ESQ.
PRIMARY EXAMINER**